

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Alvin Perkins,

Case No. 24-CV-01909 (JMB/JFD)

Petitioner,

ORDER

v.

Linda Stenseth, *Warden*,

Respondent.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate John F. Docherty dated August 6, 2024. (Doc. No. 8.) The R&R recommends that Petitioner Alvin Perkins's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. No. 1) be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute due to Perkins's failure to comply with the Court's Order to Show Cause (Doc. No. 7). (*See* Doc. No. 8.) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 8) is ADOPTED;
2. Petitioner Alvin Perkins's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. No. 1) is DISMISSED WITHOUT PREJUDICE; and

3. A certificate of appealability is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 26, 2024

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court